

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.14628 of 2008
KISHORI YADAV & ANR
Versus
THE STATE OF BIHAR

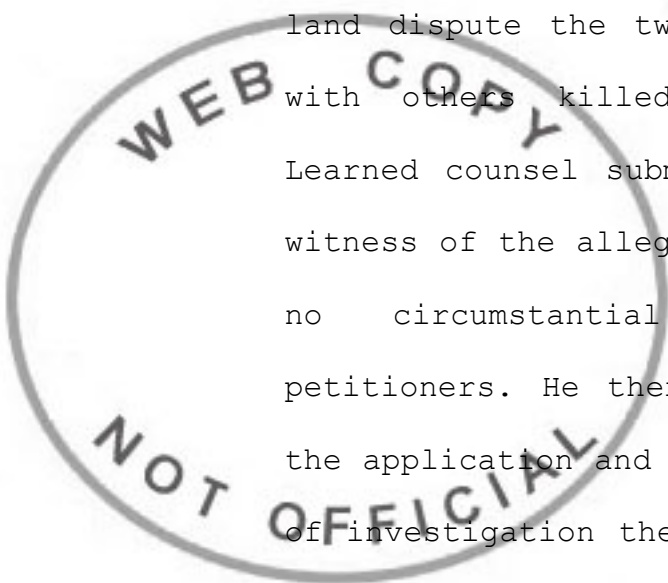
2 8.5.2008

Heard.

Petitioners are accused in a case under sections 302, 201 read with 34 of the Indian Penal Code.

The informant is Etwaria Devi, wife of deceased Ishwari Yadav. Petitioners are brothers of Ishwari Yadav.

The allegation is that on account of land dispute the two petitioners in connivance with others killed the informant's husband. Learned counsel submitted that there is no eye witness of the alleged occurrence. There is also no circumstantial evidence against the petitioners. He then referred to annexure-2 of the application and submitted that during course of investigation the I.O. examined Matiya Devi mother of deceased Ishwari Yadav. She clearly stated that the deceased Ishwari Yadav had consumed some poisonous substance because the informant was putting pressure on him to separate his share but Ishwari Yadav was not agreeable. He submitted that in face of



statement of Matiya Devi, petitioners are not at all responsible for the death of the deceased. He pointed out that the petitioners are in custody since 14.7.2007.

In the facts and circumstances of the case, the two petitioners, namely Kishori Yadav and Nand Kishore Yadav are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sub-divisional Judicial Magistrate, Sherghati, Gaya in Barachatti PS case no. 93/07.

AI

(M.Saran, J)

